

Notice of Allowability

Application No.

10/822,170

Examiner

Stephen Yam

Applicant(s)

ORTYN ET AL.

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-29.
3. ☒ The drawings filed on 09 April 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>0804</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael King on November 24, 2004.

The application has been amended as follows:

In Claim 1, in lines 11, 19, and 29, replace "an object" with --the object--.

In Claim 1, lines 18-19, replace "a velocity" with --the velocity--.

In Claim 1, line 27, replace "second electrical" with -- second electrical signal--.

In Claim 2, line 2, replace "a focal point" with --the focal point--.

In Claims 3 and 4, line 1, replace "processor" with --the processor--.

In Claim 7, line 4, replace "an object" with --the object--.

In Claim 8, line 14, replace "an object" with --the object--.

In Claim 8, line 15, replace "operations (b) and (c)" with --operations (a) and (b)--.

In Claim 9, lines 3-4, replace "a velocity of an object" with --the velocity of the object--.

In Claim 10, in lines 9, 11, and 13, replace "a velocity of an object" with --the velocity of the object--.

In Claim 10, in lines 15 and 17, replace "an object" with --the object--.

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In Claim 12, lines 3-4, replace "velocity of an object" with --the velocity of the object--.

In Claim 12, line 4, replace "a relative motion of an object" with --the relative motion of the object--.

In Claims 13, in lines 4, 8, 15, 16, 25, and 43, replace "an object" with --the object--.

In Claim 13, line 26, replace "a velocity of an object" with --the velocity of the object--.

In Claim 16, line 3, replace "a velocity of an object" with --the velocity of the object--.

In Claim 17, line 3, replace "a velocity of the object" with --the velocity of the object--.

In Claim 17, in lines 8, 10, and 12, replace "a velocity of an object" with --the velocity of the object--.

In Claim 17, line 16, replace "an object" with --the object--.

In Claim 19, line 4, replace "velocity of the object" with --the velocity of the object--.

In Claim 19, lines 4-5, replace "an object" with --the object--.

In Claim 20, lines 4-5, replace "the velocity" with --a velocity--.

In Claim 22, line 3, replace "a velocity" with --the velocity--.

In Claim 23, in lines 5, 7, and 9, replace "a velocity" with --the velocity--.

In Claim 25, line 3, replace "characteristics" with --characteristic--.

In Claim 27, line 3, "a velocity" should be replaced with --the velocity--.

In Claim 28, in lines 5, 7, and 9, replace "a velocity" with --the velocity--.

In Claim 28, line 10, replace "first l signal" with --first signal--.

REASONS FOR ALLOWANCE

2. Claims 1-29 are allowed over the prior art of record.

3. The following is an examiner's statement of reasons for allowance:

The invention as claimed, specifically in combination with a method and system for automatically focusing for imaging, by modulating first light collected from an object to produce a first light signal having a modulation frequency that is a function of a velocity of the object, modulating second light collected from an object, the second light traveling a greater distance before being modulated compared to the first light, to produce a second light signal having a modulation frequency that is a function of a velocity of the object, producing first and second signals from the intensity of the first and second light signals, respectively, and processing the first and second light signal to determine a focal point of the system, and adjusting the focus on the object, is not disclosed or made obvious by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leitz US Patent No. 4,110,042, teaches a system for measuring distance from an object using two gratings and detectors.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Yam whose telephone number is (571)272-2449. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (571)272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SY


Stephone B. Allen
Primary Examiner